

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Bhavesh Patel

Case No.

1:13MJ -408

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 7, 2013, in the county of Scioto in the
Southern District of Ohio, the defendant(s) violated:

Code Section

8 U.S.C. § 1326(a) and (b)(1)

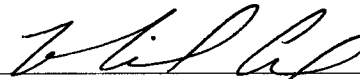
Offense Description

Defendant is an alien who has been excluded, deported, or removed from the United States following a conviction for a felony offense, and thereafter, he was found in the United States without the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission to the United States.

This criminal complaint is based on these facts:

See attached affidavit which is incorporated herein.

☒ Continued on the attached sheet.



Complainant's signature

Michael Cox, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: June 20, 2013



Judge's signature

City and state: Cincinnati, Ohio

Karen L. Litkovitz, United States Magistrate Judge

Printed name and title

A F F I D A V I T

I, Michael Cox, being duly sworn, do hereby depose and say:

1. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"). I have been a DO with ICE, formerly known as the Immigration and Naturalization Service ("INS"), since September 2012. Prior to working as a DO with ICE, I worked as an Immigration Enforcement Agent ("IEA") with ICE, from May 2007 to August 2012. I am currently assigned to the Cincinnati Enforcement and Removal Operations Unit.

2. This affidavit is made in support of a criminal complaint and arrest warrant for BHAVESH PATEL ("PATEL"), charging him with violating Title 8, United States Code, Section 1326(a) and (b)(1): Illegal Alien Found in the United States Following Deportation. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter.

3. On June 7, 2013, PATEL, a previously deported criminal alien, was arrested by the Portsmouth Police, in the Southern District of Ohio, for trespassing. PATEL was brought into ICE administrative custody on or about June 7, 2013, pursuant to an

investigation conducted by Deportation Officer Nathan Rasper as part of his routine assigned duties to arrest criminal aliens in the Southern District of Ohio.

4. Based on my training and experience, I know that a DHS "A-File" is a file in which all immigration records are maintained for aliens admitted to or found in the United States. I also know that a DHS A-File usually contains photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the DHS A-File is maintained.

5. On June 14, 2013, I reviewed DHS A-File XXX-XXX-532, which is maintained for the subject alien "Bhavesh PATEL." The A-File contained, among other things, the following documents and information:

a. Photographs of the alien subject to whom DHS A-File XXX-XXX-532 corresponds. I compared these photographs to the ICE booking photograph of PATEL taken on or about June 7, 2013. These photographs depict the same person. Thus, I determined that DHS A-File XXX-XXX-532 and its contents correspond to PATEL.

b. An executed Warrant of Removal/Deportation (Form I-205) indicating that PATEL was officially removed and deported from the United States on or about September 3, 2002. I know

from my training and experience that a Warrant of Removal/Deportation is executed each time a subject alien is removed and deported from the United States by ICE (and its predecessor agency, INS) and usually contains the subject's photograph, signature, and fingerprint. The executed Warrant of Removal/Deportation in PATEL's A-File contains his photograph, signature, and fingerprint.

c. An executed Warrant of Removal/Deportation (Form I-205) indicating that PATEL was officially removed and deported from the United States on or about May 18, 2010. The executed Warrant of Removal/Deportation in PATEL's A-File contains his photograph, signature, and fingerprint.

d. Various documents, in addition to the Warrants of Removal/Deportation, indicating that PATEL has dual citizenship with both the United Kingdom and Canada. These documents include: (i) a Summary Order of the Immigration Judge dated October 31, 2000, ordering PATEL removed to the United Kingdom; (ii) a Summary Order of the Immigration Judge dated April 22, 2002, ordering PATEL removed to the United Kingdom; (iii) a sworn statement from PATEL on December 7, 2005, stating that he is a citizen of both the United Kingdom and Canada; (iv) a sworn statement from PATEL on June 14, 2013, stating that he was born in the United Kingdom and is a citizen of the United Kingdom and

Canada; and (v) a valid Canadian passport bearing the name and photograph of PATEL.

e. A copy of conviction record showing that PATEL was convicted on October 19, 2005, of Re-entry of Alien Previously Deported, in violation of Title 8, United States Code, Section 1326(a), in the United States District Court, Eastern District of Michigan, Case Number 05CR80274-1.

6. On June 14, 2013, I reviewed the printouts of ICE computer indices for PATEL. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE (or INS) or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that PATEL had been removed and deported on or about the dates indicated on the Warrants of Removal/Deportation found in PATEL's DHS A-File. The ICE computer indices further indicated that PATEL had not applied for or obtained permission from the Attorney General of the United States or his designated successor, the Secretary of Homeland Security, to re-enter the United States legally since PATEL had last been deported.

7. Based on my review of PATEL's DHS A-File, I determined that his A-File does not contain any record of him ever applying for, or receiving permission from, the Attorney General of the United States or his designated successor, the Secretary of

Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in PATEL's DHS A-File.

8. Based on the foregoing facts, there is probable cause to believe that PATEL has violated Title 8, United States Code, Section 1326(a) and (b)(1): Illegal Alien Found in the United States Following Deportation.



Michael Cox
Deportation Officer- ICE

Subscribed and sworn to before me on this 20th day of June, 2013.



Karen L. Litkovitz
UNITED STATES MAGISTRATE JUDGE